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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>In re Application of:</b>	<b>Daniel Gregorich</b>
<b>Application No.:</b>	<b>10/606168</b>
<b>Filed:</b>	<b>June 25, 2003</b>
<b>For:</b>	<b>Varying Circumferential Spanned Connectors In a Stent</b>
<b>Group Art Unit:</b>	<b>3738</b>

Mail Stop Certificate of Corrections Branch

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Docket No.: S63.2B-10968-US01

TRANSMITTAL LETTER

1. In regard to the above-identified application, in addition to this 2 page transmittal letter, we are submitting the attached: **2 page Request for Expedited Issuance of Certificate of Correction of Patent [USPTO Mistake (37 CFR 1.311(a))]; 1 page PTO Form 1050; 12 page copy of Amendment filed September 26, 2005; 1 page Copy of USPTO Auto Reply dated September 26, 2005; 1 page Copy of Notice of Allowability mailed December 7, 2005; 2 page Transaction History; and Return Postcard.**

2. With respect to fees:
  - No additional fee is required.
  - ☐ Attached is check(s) in the amount of \$
  - Charge additional fee to our Deposit Account No. 22-0350.

*Certificate  
AUG 13 2008  
of Correction*

3. **CONDITIONAL PETITION FOR EXTENSION OF TIME**

This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.

4. Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the Commissioner, please charge the additional fees to Deposit Account No. 22-0350.

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Patent Publication

AUG 13 2008

Please charge any additional fees or credit overpayment associated with this communication to the Deposit Account No. 22-0350.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: August 7, 2008

By: \_\_\_\_\_

  
Jeremy G. Laabs

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**Certificate Under 37 CFR 1.8:** I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as FIRST CLASS MAIL, addressed to Mail Stop Certificate of Correction Branch, Commissioner for Patent, P.O. Box 1450, Alexandria, VA 22313-1450, on August 7, 2008.

  
Elizabeth A. Deutsch

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AUG 13 2008



**PATENT**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>In re Application of:</b>	Daniel Gregorich
<b>Issue No.:</b>	7131993
<b>Issue Date:</b>	November 7, 2006
<b>For:</b>	Varying Circumferential Spanned Connectors In a Stent
<b>Group Art Unit:</b>	3738

Commissioner for Patents  
Office of Patent Publication  
ATTN: Certificate of Connection Branch  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Docket No.: S63.2B-10968-US01**

**REQUEST FOR EXPEDITED ISSUANCE OF CERTIFICATE OF  
CORRECTION OF PATENT [USPTO MISTAKE (37 CFR 1.322(a))]**

1. Attached please find:
  - a) Completed form PTO-1050 believed to be in condition for printing.
  - b) A copy of the Amendment filed on September 26, 2005.
  - c) A copy of the USPTO Auto-Reply fax dated September 26, 2005.
  - d) A copy of the Notice of Allowability mailed December 7, 2005.
  - e) A printout of the Transaction History from USPTO PAIR.

A number of errors attributable to the USPTO have been noted in the claims of Issued US Patent 7,131,993. The correct text of the claims is shown in the attached Amendment, which was originally filed September 26, 2005. The USPTO Auto-Reply is attached, verifying receipt of the Amendment by the USPTO on September 26, 2005.

In response to the Amendment, the USPTO mailed a Notice of Allowability on December 7, 2005. We have also included a printout of the Transaction History from USPTO PAIR.

2. The Amendment filed September 26, 2005 shows the correct text of the claims that issued in US Patent 7,131,993:
  - 1) Page 2, claim 9: --stent-- is the correct spelling. This claim corresponds to claim 14 of the issued patent, which incorrectly recites "stein" at column 27, line 8.
  - 2) Page 3, claim 12: --stent-- is the correct spelling. This claim corresponds to claim 9 of the issued patent, which incorrectly recites "stein" at column 26, line 11.

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3) Page 4, claim 20: --struts-- is the correct spelling. The claim corresponds to claim 18 of the issued patent, which incorrectly recites "stints" at column 27, line 41.

4) Page 4, claim 22: --strut of an-- is the correct phrase. The claim corresponds to claim 20 of the issued patent, which incorrectly recites "stint of art" at column 27, line 48.

5) Page 4, claim 25: --stent-- is the correct spelling. The claim corresponds to claim 22 of the issued patent, which incorrectly recites "stint" at column 27, line 52.

6) Page 5, claim 29, there is a semi-colon after the phrase "wherein each serpentine circumferential band proximal turn comprises an upper portion and a lower portion" and before the phrase "and wherein each serpentine circumferential band distal turn comprises an upper portion and a lower portion". This claim corresponds to claim 26 of the issued patent, which omits the semi-colon at column 28, line 19.

3. Please send the Certificate to:

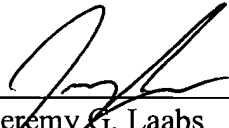
Jeremy G. Laabs  
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Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: August 7, 2008

By: \_\_\_\_\_

  
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**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : 7,131,993 B2

APPLICATION NO.: 10/606,168

ISSUE DATE : November 7, 2006

INVENTOR(S) : Daniel Gregorich

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In column 26, line 11, claim 9, delete "stein" and insert --stent-- therefor.

In column 27, line 8, claim 14, delete "stein" and insert --stent-- therefor; line 41, claim 18, delete "stints" and insert --struts-- therefor; line 48, claim 20, delete "stint of art" and insert --strut of an-- therefor; line 52, claim 22, delete "stint" and insert --stent-- therefor.

In column 28, line 19, claim 26, after the word "portion" insert --;--.

**MAILING ADDRESS OF SENDER (Please do not use customer number below):**

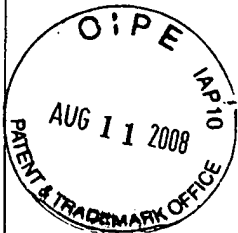
Vidas, Arrett & Steinkraus, P.A.  
6640 Shady Oak Road, Suite 400  
Eden Prairie, MN 55344

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

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**AUG 13 2008**



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156 240294  
 275 240295

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Daniel Gregorich
Application No.:	10/606168
Filed:	June 25, 2003
For:	Varying Circumferential Spanned Connectors In a Stent
Examiner:	Bruce E. Snow
Group Art Unit:	3738
Firm Docket No.:	S63.2B-10968-US01

DATE: September 26, 2005 TIME: 1:08 FACSIMILE NO.: 571-273-8300  
 TOTAL NUMBER OF PAGES (including transmittal letter): 11

## FACSIMILE TRANSMITTAL LETTER

Following please find a(n) 9 Pg Amendment; 1 Pg Petition for 1 Month Extension of Time; and 1 page Facsimile Transmittal Letter.

With respect to fees: ☐ No additional fee is believed to be required  
☒ Charge additional fee to Deposit Account 22-0350  
☒ Charge any fee deficiency to our Deposit Account No. 22-0350

## Conditional Petition

If any extension of time for the accompanying response is required or if a petition for any other matter is required, applicant requests that this be considered a petition therefore.

If any additional fees associated with this communication are required and have not otherwise been paid, please charge the additional fees to Deposit Account No. 22-0350. Please credit overpayment associated with this communication to the Deposit Account No. 22-0350.

Respectfully submitted,  
 VIDAS, ARRETT & STEINKRAUS

Date: September 26, 2005

By: 

Jeremy G. Zaabs  
 Registration No.: 53170

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Daniel Gregorich
Application No.:	10/606168
Filed:	June 25, 2003
For:	Varying Circumferential Spanned Connectors In a Stent
Examiner:	Bruce E. Snow
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DATE: September 26, 2005 TIME: 1:08 FACSIMILE NO.: 571-273-8300  
TOTAL NUMBER OF PAGES (including transmittal letter): 11

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FACSIMILE TRANSMITTAL LETTER

Following please find a(n) 9 Pg Amendment; 1 Pg Petition for 1 Month Extension of Time; and 1 page Facsimile Transmittal Letter.

With respect to fees: ☐ No additional fee is believed to be required  
☒ Charge additional fee to Deposit Account 22-0350  
☒ Charge any fee deficiency to our Deposit Account No 22-0350

Conditional Petition

If any extension of time for the accompanying response is required or if a petition for any other matter is required, applicant requests that this be considered a petition therefore

If any additional fees associated with this communication are required and have not otherwise been paid, please charge the additional fees to Deposit Account No 22-0350 Please credit overpayment associated with this communication to the Deposit Account No 22-0350

Respectfully submitted,  
VIDAS, ARRETT & STEINKRAUS

Date: September 26, 2005

By: [Signature]  
Jeremy G. Laabs  
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Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No 571-273-8300, on September 26, 2005.

Signature: [Signature]  
Mary C Granger

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

<b>In Re Application of:</b>	Daniel Gregorich
<b>Application No.:</b>	10/606168
<b>Filed:</b>	June 25, 2003
<b>For:</b>	Varying Circumferential Spanned Connectors In a Stent
<b>Examiner:</b>	Bruce E. Snow
<b>Group Art Unit:</b>	3738

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Docket No: S63.2B-10968-US01

**PETITION FOR AN EXTENSION OF TIME UNDER 37 CFR §1.136**

Petitioner, **Boston Scientific Scimed, Inc.**, hereby requests a one month extension of time to respond to the Office Action mailed June 22, 2005. This petition is accompanied by \$120.00 as set forth in 37 CFR §1.17 and is filed prior to or with the response.

Any outstanding fee for extension should be charged to our Deposit Account, No. 22-0350.

Respectfully submitted,  
VIDAS, ARRETT & STEINKRAUS, P A.

Date: September 26, 2005

By: \_\_\_\_\_

Jeremy G. Laabs  
Attorney Reg. No. 53170

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Daniel Gregorich
Application No.:	10/606168
Filed:	June 25, 2003
For:	Varying Circumferential Spanned Connectors In a Stent
Examiner:	Bruce E. Snow
Group Art Unit:	3738

Mail Stop AMENDMENT  
Commissioner for Patents  
P O. Box 1450  
Alexandria, VA 22313-1450

Docket No.: S63.2B-10968-US01

AMENDMENT

This Amendment is in response to the Office Action dated **June 22, 2005**.

If an extension of time is required to make this response timely and no separate petition is enclosed, Applicant hereby petitions for an extension of time sufficient to make the response timely. In the event that this response requires the payment of government fees and payment is not enclosed, please charge Deposit Account No. 22-0350.

Please amend the application as follows:

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**Amendments To The Claims:**

1. (Previously presented) A stent comprising:  
a plurality of serpentine circumferential bands, each serpentine circumferential band having a proximal end portion, a distal end portion, a plurality of proximal turns at said proximal end portion and a plurality of distal turns at said distal end portion; and  
a plurality of connector columns, each connector column located between two adjacent serpentine circumferential bands, each connector column comprising a plurality of connector struts including a first type of connector strut and a second type of connector strut, each connector strut coupled at a first end to a serpentine circumferential band and coupled at a second end to another serpentine circumferential band, wherein the second type of connector strut spans a greater circumferential distance than the first type of connector strut, wherein the first end of at least one second type of connector strut is circumferentially offset from the second end;  
wherein the number of proximal turns in a serpentine circumferential band is a multiple of 3, and wherein the number of connector struts in a connector column is a multiple of 2, and wherein the number of connector struts in a connector column is less than the number of proximal turns in an adjacent serpentine circumferential band
2. (Withdrawn) The stent as recited in claim 1, wherein the proximal turns of adjacent serpentine circumferential bands are longitudinally offset from one another.
3. (Withdrawn) The stent as recited in claim 2, wherein adjacent serpentine circumferential bands reverse orientation with respect to each other.
4. (Original) The stent as recited in claim 1, wherein the connector struts of adjacent connector columns are angularly aligned with one another.
5. (Withdrawn) The stent as recited in claim 1, wherein the connector struts of adjacent connector columns are longitudinally offset from one another.
6. (Original) The stent as recited in claim 1, wherein the number of distal turns in a serpentine circumferential band is a multiple of 3.
- 7-8. (Cancelled)
9. (Previously presented) A stent comprising:  
a plurality of serpentine circumferential bands, each serpentine circumferential band having a proximal end portion, a distal end portion, a plurality of proximal turns at said proximal end portion and a plurality of distal turns at said distal end portion; and  
a plurality of connector columns, each connector column located between two adjacent serpentine circumferential bands, each connector column comprising a plurality of connector struts including a first type of connector strut and a second type of connector strut, each connector strut coupled at a first end to a serpentine circumferential band and coupled at a second end to another serpentine circumferential band, wherein the first end of at least one second type of connector strut is circumferentially offset from the second end;

**AUG 13 2008**

wherein the number of proximal turns in a serpentine circumferential band is a multiple of 3, and wherein the number of connector struts in a connector column is a multiple of 2, and wherein the number of connector struts in a connector column is less than the number of proximal turns in an adjacent serpentine circumferential band;

wherein the first type of connector strut provides the stent with greater axial strength than the second type of connector strut.

10. (Withdrawn – currently amended) The stent as recited in claim ~~[[7]]~~ 1, wherein each serpentine circumferential band proximal turn comprises an upper portion and a lower portion; and wherein each serpentine circumferential band distal turn comprises an upper portion and a lower portion;

wherein the first type of connector strut is coupled at the first end to a distal turn upper portion of one serpentine circumferential band, and coupled at the second end to a proximal turn lower portion of another serpentine circumferential band.

11. (Withdrawn) The stent as recited in claim 10, wherein the second type of connector strut is coupled at the first end to a distal turn upper portion of one serpentine circumferential band, and coupled at the second end to a proximal turn lower portion of another serpentine circumferential band.

12. (Withdrawn) The stent as recited in claim 10, wherein the second type of connector strut is coupled at the first end to a distal turn lower portion of one serpentine circumferential band, and coupled at the second end to a proximal turn upper portion of another serpentine circumferential band.

13. (Withdrawn – currently amended) The stent as recited in claim ~~[[7]]~~ 1, wherein each serpentine circumferential band proximal turn comprises an upper portion and a lower portion; and wherein each serpentine circumferential band distal turn comprises an upper portion and a lower portion;

wherein the first type of connector strut is coupled at the first end to a distal turn lower portion of one serpentine circumferential band, and coupled at the second end to a proximal turn upper portion of another serpentine circumferential band

14. (Withdrawn) The stent as recited in claim 13, wherein the second type of connector strut is coupled at the first end to a distal turn lower portion of one serpentine circumferential band, and coupled at the second end to a proximal turn upper portion of another serpentine circumferential band.

15. (Withdrawn – currently amended) The stent as recited in claim ~~[[7]]~~ 1, wherein each serpentine circumferential band proximal turn comprises an upper portion and a lower portion; and wherein each serpentine circumferential band distal turn comprises an upper portion and a lower portion;

wherein the first type of connector strut is coupled at the first end to a distal turn upper portion of one serpentine circumferential band, and coupled at the second end to a proximal turn upper portion of another serpentine circumferential band.

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16. (Withdrawn – currently amended) The stent as recited in claim [[7]] 1, wherein each serpentine circumferential band proximal turn comprises an upper portion and a lower portion; and wherein each serpentine circumferential band distal turn comprises an upper portion and a lower portion;

wherein the first type of connector strut is coupled at the first end to a distal turn lower portion of one serpentine circumferential band, and coupled at the second end to a proximal turn lower portion of another serpentine circumferential band.

17. (Currently amended) A stent comprising:

a plurality of serpentine circumferential bands, each serpentine circumferential band having a proximal end portion, a distal end portion, a plurality of proximal turns at said proximal end portion and a plurality of distal turns at said distal end portion; and

a plurality of connector columns, each connector column located between two adjacent serpentine circumferential bands, each connector column comprising a plurality of connector struts including at least one first type of connector strut and at least one second type of connector strut, each connector strut coupled at a first end to a serpentine circumferential band and coupled at a second end to another serpentine circumferential band, wherein the first end of at least one second type of connector strut is circumferentially offset from the second end, wherein the second type of connector strut spans a greater circumferential distance than the first type of connector strut;

wherein the number of proximal turns in a serpentine circumferential band is a multiple of 3, and wherein the number of connector struts in a connector column is a multiple of 2.

18. (Withdrawn) The stent as recited in claim 17, wherein the proximal turns of adjacent serpentine circumferential bands are longitudinally offset from one another

19 (Withdrawn) The stent as recited in claim 18, wherein adjacent serpentine circumferential bands reverse orientation with respect to one another.

20. (Original) The stent as recited in claim 17, wherein the first type of connector struts of adjacent connector columns are angularly aligned.

21. (Withdrawn) The stent as recited in claim 17, wherein the connector struts of adjacent connector columns are longitudinally offset from one another.

22. (Withdrawn) The stent as recited in claim 17, wherein a first type of connector strut is angularly aligned with the second type of connector strut of an adjacent connector column.

23. (Original) The stent as recited in claim 17, wherein the number of distal turns in a serpentine circumferential band is a multiple of 3.

24. (Cancelled)

25. (Original) The stent as recited in claim 17, wherein the first type of connector strut provides

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the stent with greater axial strength than the second type of connector strut.

26. (Withdrawn) The stent as recited in claim 17, wherein each serpentine circumferential band proximal turn comprises an upper portion and a lower portion; and wherein each serpentine circumferential band distal turn comprises an upper portion and a lower portion;

wherein the first type of connector strut is coupled at the first end to a distal turn upper portion of one serpentine circumferential band, and coupled at the second end to a proximal turn lower portion of another serpentine circumferential band

27. (Withdrawn) The stent as recited in claim 26, wherein the second type of connector strut is coupled at the first end to a distal turn upper portion of one serpentine circumferential band, and coupled at the second end to a proximal turn lower portion of another serpentine circumferential band.

28. (Withdrawn) The stent as recited in claim 26, wherein the second type of connector strut is coupled at the first end to a distal turn lower portion of one serpentine circumferential band, and coupled at the second end to a proximal turn upper portion of another serpentine circumferential band.

29. (Withdrawn) The stent as recited in claim 17, wherein each serpentine circumferential band proximal turn comprises an upper portion and a lower portion; and wherein each serpentine circumferential band distal turn comprises an upper portion and a lower portion;

wherein the first type of connector strut is coupled at the first end to a distal turn lower portion of one serpentine circumferential band, and coupled at the second end to a proximal turn upper portion of another serpentine circumferential band.

30. (Withdrawn) The stent as recited in claim 29, wherein the second type of connector strut is coupled at the first end to a distal turn lower portion of one serpentine circumferential band, and coupled at the second end to a proximal turn upper portion of another serpentine circumferential band.

31. (Withdrawn) The stent as recited in claim 17, wherein each serpentine circumferential band proximal turn comprises an upper portion and a lower portion; and wherein each serpentine circumferential band distal turn comprises an upper portion and a lower portion; wherein the first type of connector strut is coupled at the first end to a distal turn upper portion of one serpentine circumferential band, and coupled at the second end to a proximal turn upper portion of another serpentine circumferential band.

32. (Withdrawn) The stent as recited in claim 17, wherein each serpentine circumferential band proximal turn comprises an upper portion and a lower portion; and wherein each serpentine circumferential band distal turn comprises an upper portion and a lower portion; wherein the first type of connector strut is coupled at the first end to a distal turn lower portion of one serpentine circumferential band, and coupled at the second end to a proximal turn lower portion of another serpentine circumferential band.

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33. (Original) The stent as recited in claim 17, wherein the number of connector struts in a connector column is less than the number of proximal turns in an adjacent serpentine circumferential band.

34-42. (Cancelled)

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**Remarks**

This Amendment is in response to the Office Action dated **June 22, 2005**. Claims 1-6 and 9-33 are pending in this application. Claims 2, 3, 5, 10-16, 18, 19, 21, 22 and 26-32 have been withdrawn from consideration. The Office Action rejected claims 1, 4, 6, 17, 20, 23 and 33 under 35 USC § 102(e) over Moore (US 2004/0024444); objected to claims 24 and 25 as being dependent upon a rejected base claim; and indicated that claim 9 is allowed.

By this Amendment, claims 10, 13 and 15-17 are amended and claim 24 is cancelled. Applicants reserve the right to prosecute any relinquished subject matter in a subsequent patent application claiming priority to the immediate application. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

**Withdrawn Claims**

The Office Action noted that withdrawn claims 10-16 depend directly or indirectly from cancelled claim 7.

Claims 10-16 were previously amended to depend directly or indirectly from claim 1 in the Amendment filed December 8, 2004. However, it appears that the amendments to the withdrawn claims were not entered. Further, Applicant's Amendment filed with RCE on June 10, 2005 did not reflect the amendments.

Applicant amends claims 10, 13, 15 and 16 herein, and claims 10-16 now depend directly or indirectly from claim 1.

**Allowable Subject Matter**

Applicant acknowledges the Office Action's indication of allowable subject matter in claims 9, 24 and 25. However, for the reasons set forth below, Applicant respectfully asserts that all of the claims are directed to allowable subject matter and that the application is in condition for allowance.

**Claim Rejections**

The Office Action rejects, under 35 USC § 102, claims 1, 4, 6, 17, 20, 23 and 33 over Moore (US 2004/0024444). These rejections are traversed with respect to claims 1, 4 and 6.

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Applicant asserts that Moore does not disclose or suggest a stent having "a first type of connector strut and a second type of connector strut wherein the second type of connector strut spans a greater circumferential distance than the first type of connector strut," as recited in independent claim 1 and similarly recited in amended independent claim 17. Applicant notes that these limitations were included in former claim 24, now cancelled, which was objected to as being dependent upon a rejected base claim. Claim 17 is amended herein to have the limitations of former claim 24

Moore discloses a stent having a plurality of radially expandable undulating rings 13-i, wherein adjacent rings are joined by a plurality of arcuate flex members 12-i. See paragraph 0066. The arcuate flex members 12-i have an S-shape, and adjacent arcuate flex members are mirrored. See paragraph 0070 and Fig 1.

Applicant asserts that because the adjacent arcuate flex members 12-i are mirror images of one another, by definition they span an equal circumferential distance. Moore does not disclose or suggest an arcuate flex member that spans a greater circumferential distance than another arcuate flex member.

Therefore, Applicant submits that independent claims 1 and 17 are patentable over Moore. Claims 4 and 6 depend from independent claim 1, and claims 20, 23 and 33 depend from independent claim 17. The dependent claims are patentable over Moore for at least the reasons discussed with respect to the independent claims. Accordingly, Applicant respectfully requests the withdrawal of the rejections under 35 USC § 102.

#### **Reinstatement of Withdrawn Claims**

Withdrawn claims 2, 3, 5, 10-16, 18, 19, 21, 22 and 26-32 depend directly or indirectly from independent claims that are believed to be in condition for allowance. Applicant requests that all withdrawn claims that are dependent upon allowable claims be reinstated and allowed.

#### **Conclusion**

Based on at least the foregoing amendments and remarks, Applicant respectfully submits this application is in condition for allowance. Favorable consideration and prompt

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allowance of claims 1-6, 9-23 and 25-33 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: September 26, 2005

By: 

Jeremy G. Laabs  
Registration No.: 53170

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## Auto-Reply Facsimile Transmission

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Total Pages:

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Page

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09/26/05 13:48 FAX 952 563 3009

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### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re Application of:	Daniel Gregorich
Application No.:	10/606168
Filed:	June 25, 2003
For:	Varying Circumferential Spinned Connectors In a Stent
Examiner:	Bruce E. Snow
Group Art Unit:	3738
Firm Docket No.:	863.2B-10968-US01

DATE: September 26, 2005 TIME: 1:08 FACSIMILE NO.: 471-273-8300  
TOTAL NUMBER OF PAGES (including transmittal letter): 11

### FACSIMILE TRANSMITTAL LETTER

Following please find a(n) 9 Pg Amendment; 1 Pg Petition for 1 Month Extension of Time; and 1 page Facsimile Transmittal Letter.

With respect to fees:

- ☐ No additional fee is believed to be required
- ☒ Charge additional fee to Deposit Account 22-0350
- ☒ Charge any fee deficiency to our Deposit Account No. 22-0350

### Conditional Petition

If any extension of time for the accompanying response is required or if a petition for any other matter is required, applicant requests that this be considered a petition therefore.

If any additional fees associated with this communication are required and have not otherwise been paid, please charge the additional fees to Deposit Account No. 22-0350. Please credit overpayment associated with this communication to the Deposit Account No. 22-0350.

Respectfully submitted,  
VIDAS, ARRETT & STENKRAUS

Date: September 26, 2005

By:   
Jeremy G. Krebs  
Registration No.: 43170

6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
Telephone: (952) 563-3000  
Facsimile: (952) 563-3001

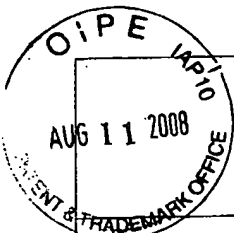
E:\wpwork\kgf\10968\m01\_tr\_20050926.doc

Certificate of Transmission  
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office Fax No. 471-273-8300, on September 26, 2005.

Signature:   
Mark C. Granger

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FACSIMILE

AUG 13 2008



563, 2-109684501

# Notice of Allowability

560 247337

Application No.

10/606,168

Examiner

Bruce E. Snow

Applicant(s)

GREGORICH, DANIEL

Art Unit

3738

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/26/05
2. ☒ The allowed claim(s) is/are 1-6, 9-23, 25-33
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17 2(a))

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No /Mail Date \_\_\_\_\_
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No /Mail Date \_\_\_\_\_
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d)
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No /Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No /Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

BRUCE SNOW  
PRIMARY EXAMINER

AUG 13 2008

10/606,168	VARYING CIRCUMFERENTIAL SPANNED CONNECTORS IN A STENT	08-06- 2008::17:10:58
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### Transaction History

Date	Transaction Description
11-07-2006	Recordation of Patent Grant Mailed
10-18-2006	Issue Notification Mailed
11-07-2006	Patent Issue Date Used in PTA Calculation
10-04-2006	Dispatch to FDC
09-20-2006	Application Is Considered Ready for Issue
09-06-2006	Mail Miscellaneous Communication to Applicant
08-31-2006	Miscellaneous Communication to Applicant - No Action Count
01-11-2006	Issue Fee Payment Verified
01-17-2006	Pubs Case Remand to TC
01-11-2006	Issue Fee Payment Received
12-07-2005	Mail Notice of Allowance
12-05-2005	Notice of Allowance Data Verification Completed
10-06-2005	Date Forwarded to Examiner
09-26-2005	Response after Non-Final Action
09-26-2005	Request for Extension of Time - Granted
06-22-2005	Mail Non-Final Rejection
06-21-2005	Non-Final Rejection
06-14-2005	Date Forwarded to Examiner
06-14-2005	Date Forwarded to Examiner
06-10-2005	Request for Continued Examination (RCE)
06-14-2005	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)
03-10-2005	Mail Final Rejection (PTOL - 326)
03-07-2005	Final Rejection
01-05-2005	Date Forwarded to Examiner
12-08-2004	Response after Non-Final Action
12-08-2004	Request for Extension of Time - Granted
11-26-2004	Reference capture on IDS
11-26-2004	Information Disclosure Statement (IDS) Filed
11-26-2004	Information Disclosure Statement (IDS) Filed
08-12-2004	Mail Non-Final Rejection
08-11-2004	Non-Final Rejection
06-24-2004	Date Forwarded to Examiner
06-11-2004	Response to Election / Restriction Filed
06-11-2004	Workflow incoming amendment IFW
05-12-2004	Mail Restriction Requirement
05-12-2004	Requirement for Restriction / Election
03-24-2004	IFW TSS Processing by Tech Center Complete
09-22-2003	Reference capture on IDS
09-22-2003	Information Disclosure Statement (IDS) Filed
09-22-2003	Information Disclosure Statement (IDS) Filed
09-17-2003	Electronic Information Disclosure Statement
09-17-2003	Information Disclosure Statement (IDS) Filed

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PATENT DIVISION

AUG 13 2008

03-24-2004	Case Docketed to Examiner in GAU
03-16-2004	Transfer Inquiry to GAU
09-22-2003	Reference capture on IDS
09-02-2003	Application Return from OIPE
09-02-2003	Application Return TO OIPE
08-29-2003	Application Return from OIPE
09-02-2003	Application Is Now Complete
09-02-2003	Pre-Exam Office Action Withdrawn
08-29-2003	Application Return TO OIPE
08-29-2003	Application Dispatched from OIPE
09-02-2003	Application Is Now Complete
08-16-2003	Cleared by OIPE CSR
07-15-2003	IFW Scan & PACR Auto Security Review
06-25-2003	Initial Exam Team nn

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